

### **PETITION TO CORRECT FILING RECEIPT**

On September 14, 2001, Applicant had reviewed the filing receipt for the above application and determined that the title was incorrect. Applicant submitted a request for a corrected filing receipt. As of this day, Applicant has not received a corrected filing receipt. Applicant requests Examiner to determine the status of the filing receipt correction and expedite issuance of the corrected filing receipt. Should the Examiner have any questions regarding this, the Applicant requests the Examiner contact the undersigned attorney.

### **REMARKS**

Claims 1-33 are pending in the application. The Examiner has restricted the claims in the application under 35 U.S.C. §121 as follows:

- Group I.      A resealable container having a release surface and a releasable adhesive in which the surface upon which the releasable adhesive is applied includes at least one non-adhesive area, as illustrated in Figures 17B-17H, and
- Group II.     A resealable container having a release surface and a releasable adhesive in which the releasable adhesive is a continuous film, as illustrated in Figure 17A.

The Examiner contends claims 1-7, 10-20 and 23-33 are generic with respect to the species of Groups I and II which the Examiner regards as being patentably distinct under 35 U.S.C. §121.

Applicant elects Group II claims 9 and 22 with traverse.

Pursuant to 37 C.F.R. § 1.181, Applicant respectfully requests that the Examiner reconsider the restriction requirement. The Examiner has identified his basis for the rejection to the application having more than one species claimed when an independent

claim from which such alleged species depend is generic. The restriction is therefore based on what the Examiner has considered to be "independent" inventions pursuant to MPEP § 802.01. Applicant submits that the Examiner has not established the requirement that claims to be restricted are unconnected in design, operation or effect pursuant to MPEP § 802.01 or that particular claims are drawn to different species that recite mutually exclusive characteristics of such species pursuant to MPEP 804.06(f). Reconsideration of the restriction requirement is respectfully requested.

Upon allowance of generic claim 1 (upon which species claim 8 depends) and generic claim 19 (upon which species claim 21 depends), Applicant should be entitled to consideration of Group I claims 8 and 21 provided by 37 CFR 1.141.

If any fees are required for the filing of these papers, Applicant request the Commissioner to charge those fees to deposit account #18-0988, Docket No. AVERP3012US.

Respectfully submitted,

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